

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
HELENA DIVISION**

MONSANTO COMPANY

PLAINTIFF

V.

NO. 2:04CV00208

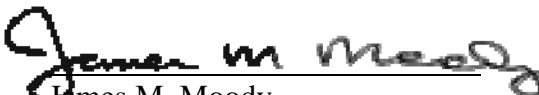
**LENNY JOE KYLE a/k/a JOE KYLE
a/k/a JOEY KYLE, BILLY KYLE
a/k/a BROTHER KYLE a/k/a
BROTHER BILLY KYLE, and
JOE-CO**

DEFENDANTS

ORDER

Pending is Defendants' unopposed motion to dismiss counterclaims and affirmative defenses of patent misuse. (Docket # 111). For good cause shown, the motion is GRANTED. Defendants' counterclaims and affirmative defenses of patent misuse set forth at paragraphs 27 - 29 of Defendants' Answer to Second Amended Complaint and Jury Demand and paragraphs 47-64 of Defendants' Second Amended Answer and Counterclaim to Plaintiffs' First Amended Complaint and Jury Demand are hereby dismissed.

IT IS SO ORDERED this 29th day of November, 2006.


James M. Moody
United States District Judge